

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12665, of Blair Road Limited Partnership, pursuant to Sub-section 7501.4 of the Zoning Regulations, for further processing of a planned unit development to permit construction of eighty-four dwelling units in single family and triplex units in the R-1-B District at the premises 7413-7425 Blair Road, 500-550 Brumel Court and 501-599-1/2 Brumel Court, N.W., (Square 3180, Lots 808, 810 and 816-819).

HEARING DATE: May 24, 1978
DECISION DATE: August 2, 1978

FINDINGS OF FACT:

1. The subject property is known as 7413-7425 Blair Road, 500-550 Brumel Court and 501-599-1/2 Brumel Court, N.W. It is in an R-1-B District.
2. The site contains 4.29 acres of land along the Blair Road frontage. Also included in the development is 9,480 square feet of land located in Montgomery County, Maryland. The site is wooded and improved with five single family dwellings which are placed relatively close to Blair Road. These dwellings are in a deteriorated condition.
3. The properties immediately adjacent to the site are developed with detached single-family dwellings. The area to the west and northwest of the property in the District is zoned R-2. However, the properties on the west side of Blair Road and on both sides of 7th and 8th Streets between Geranium and Hemlock Streets are developed with detached single-family dwellings generally of one-story design on lots of 5,000 to 6,000 square feet. The area south and southwest of the property is zoned R-1-B and is developed almost exclusively with detached single-family dwellings, some of older construction. Abutting the property on the north, across the boundary line in Montgomery County, is a garden apartment complex, approximately forty feet in height and typical of garden apartments found throughout the county.
4. Part of the property is currently bounded by the B & O Railroad tracks. The tracks are approximately ten feet below the grade of the subject site. Takoma Avenue, which runs parallel to the tracks on the far side from this use is three to four feet lower than the roadbed. The properties in Montgomery County fronting on Takoma Avenue across from the subject property are in the R-10 zone and are improved with large, old single family dwellings.

5. The closest existing commercial facilities are on Georgia Avenue (approximately four blocks from the subject site), and at the intersection of Cedar Street and Blair Road in Takoma Park.

6. The Takoma Park Metro Station is two blocks away where Cedar Street intersects with the B & O right-of-way.

7. The Zoning Commission granted preliminary approval to the Planned Unit Development (Application No. 76-3F/77-12) on February 9, 1977, submitted by the Blair Road Limited Partnership (Zoning Commission Order No. 141).

8. On November 11, 1977, the Zoning Commission granted final approval of the PUD and a concurrent map amendment from R-1-B to R-5-A.

9. In Order No. 190, the Zoning Commission set out guidelines, conditions and standards for the further development of the Planned Unit Development. Those conditions with the Board's findings thereon, are as follows:

- a. The property shall be restricted to row dwellings and "triplex" units as described herein under a condominium arrangement providing for recreational facilities, including, but not limited to, children's play areas and "sitting" areas. The Board finds compliance with this condition.
- b. The development shall contain a maximum of eighty-four dwelling units. The Board finds that the plans submitted propose eighty-four units, in compliance with this condition.
- c. The development shall be restricted to a maximum of 236 bedrooms. The Board finds that there will be 235 bedrooms, in compliance with this condition.
- d. The maximum floor area ratio shall not exceed 0.90. The Board finds that the floor area ratio is 0.628, in compliance with this condition.
- e. The number of off-street parking spaces shall be provided at a minimum of 1.50 spaces per dwelling unit. The Board finds that 126 spaces are required and 126 spaces are provided, in compliance with this condition.

- f. The applicant shall honor as a building restriction line the proposed ninety foot right-of-way line for the east side of Blair Road as shown on the Highway Plan for the District of Columbia, except that no building shall be constructed within thirty-five feet of the existing paved surface of Blair Road, and that a permanent ten foot pedestrian easement be provided adjacent to Blair Road, including sidewalk, curb and gutter as approved by the Department of Transportation. The Board finds compliance with this condition.
- g. The access road serving the development shall be designed to provide a one-way traffic flow, with one entrance and one exit to the site, and a parking pattern as shown on the revised site plan. The Board finds compliance with this condition.
- h. The maximum height of all buildings shall not exceed three stories or forty feet. The development is providing two and three story buildings, less than forty feet in height, in compliance with this condition.
- i. Lot occupancy of all buildings shall not exceed thirty per cent of the gross site area. The Board finds that the occupancy is twenty-five per cent, in compliance with this condition.
- j. All units shall have an enclosed rear yard. The rear yard shall have a minimum depth of twenty feet except where fire access is required. Where such access is required, the rear yard may be reduced to a minimum of fifteen feet. All enclosures shall be at least six feet high, of sturdy construction and provided with a gate at each end. Enclosures shall not extend into spaces designated as easements on the site plan. The Board finds compliance except that the rear yard of triplex units are not enclosed.
- k. A passage shall be provided midway between the long series of buildings on the southern portion of the site. The Board finds compliance with this condition.

- l. There shall be provided a minimum six foot high fence along the eastern property line. Landscaping in the form of two-rows of evergreen trees with a minimum initial height of six to seven feet and a mature height of not less than thirty-five feet shall be planted between the fence and the edge of the parking surface. The Board finds that the original plans submitted did not contain sufficient details concerning the fence and the landscaping proposal.
- m. No tree of six inch diameter or greater shall be removed unless it is to be covered by a building or structure or it is necessary to remove it for a primary access road, or the tree is diseased or a present danger to occupants of the site or the public. The Board finds compliance with this condition.
- n. All areas not devoted to buildings, structures, and access drives or above ground parking shall be landscaped in accordance with the plan approved by the Board of Zoning Adjustment. The Board finds the proposal of the applicant for landscaping to be acceptable.
- o. The final design of the building shall be based on the plans, Alternative "B", submitted with the application for final approval and designated as Exhibit Number 26 as modified by the conditions specified herein. The Board finds compliance with this condition.
- p. The applicant shall submit a detailed landscape plan to the Board of Zoning Adjustment at the time of filing an application for further processing of the Planned Unit Development. Such plan shall show the location of all trees with diameters of six inches or greater and the type and location of all landscaping which is replacing areas where the original vegetation has been removed. The applicant shall also submit a grading and drainage plan, indicating thereon the location of buildings, roads, sidewalks, water and sewage lines, inlets and basins, the location of proposed connection to water lines, sanitary and storm sewers and proposed erosion control measure shown on the site plan. The Board finds compliance with this condition.

10. The applicant proposes to raze the five single family dwellings and construct on the site eighty-four single family row houses and triplex units which will be contained within six buildings. Sixty-seven of the units will have three bedrooms and seventeen units will have two bedrooms which will bring the total bedrooms in the development to 235.

11. The Municipal Planning Office, by report dated May 19, 1978, recommended that the application be approved subject to compliance with Condition 10, which states that "all units shall have an enclosed rear yard . . . All enclosures shall be at least six feet high, of sturdy construction, and provided with a gate at each end. Enclosures shall not extend into space designated as easements on the site plan." MPO reported that the submitted plans for the typical triplex unit do not show such rear yard enclosures. In all other respects, the proposed development complies with the conditions, standards and guidelines contained in Zoning Commission Order No. 190. The Board so finds.

12. Homeowners on Blair Road whose property is directly across the Street from the five single family dwellings located on the subject property objected to the application on the grounds that they questioned the credibility, sincerity and integrity of the owner-applicant. They testified that the present owner has owned the subject property since 1961 and that he has completely neglected the five dwellings without any concern for the neighborhood. They testified that cars were parked and dumped on the lawns, that trash and debris was allowed to collect and the building were allowed to deteriorate. They had brought charges to the various agencies and departments of the District of Columbia without avail.

13. The Commissioners from single member district Advisory Neighborhood Commission 4B02 and 4B01 testified to the same character traits and faults of the owner as had the residents. They further testified to broken glass windows, rotting roofs and general disregard of the basic needs of the tenants who lived in the five dwellings. They also expressed concerns about the supervision of the applicant during the development period. They were concerned about the fencing of the construction, the safety of the children, and traffic congestion by the developer's trucks. They expressed further concerns about the completed development as to street traffic directions, entrances and exists for traffic, noise, buffers and landscaping. Finally, they requested the Board to see that the five dwellings were made safe and the property cleaned up as long as the tenants occupied the dwellings.

14. In addressing the "issues and concerns" of the ANC's to which the Board is required to give great weight and the similar concerns of the residents, the Board deferred a decision on the application. By letter of June 1, 1978, the Board advised the applicant as follows:

"The Board was very much concerned over the manner in which the property is being maintained, particularly in light of the fact that these same concerns had been raised by persons in opposition to your application at several hearings before the Zoning Commission. The Board believes that the credibility of the applicant is at issue, as well as the applicant's standing in the community. The Board determined that it would not decide the application until those houses now occupied by tenants are made safe and sanitary, the property in general is cleared of rubbish, debris and abandoned cars and the appearance of the property to its neighbors is improved. The Board directed that you submit a written statement at such time as said actions have been taken, informing the Board of the measures taken by the applicant.

As part of its discussion, the Board directed that the applicant submit, for the Board's review and approval, a detailed landscaping and fencing plan. The plan must show the type, size and location of all proposed planting. The Board suggested that Spruce and/or Hemlock trees ten feet on center would be appropriate for the double row of trees at the rear of the site. The Board also indicated that stockade fencing would not be acceptable, but that an alternating board-on-board fence would be approved."

15. By letter of June 29, 1978, the Board was advised by Counsel for the applicant that clean-up operations had been completed on the site, that notices to vacate had been served on all five tenants and that the rental unit at 7423 Blair Road had been vacated. On July 27, 1978, specifications for the fence and a detailed landscaping plan for the site had been submitted. On August 1, 1978, the Board was advised by Counsel that the dwellings known as 7415, 7417 and 7423 Blair Road had been demolished and that the two remaining structures at 7419 and 7421 Blair Road are scheduled for demolition within thirty days.

CONCLUSIONS OF LAW:

Based on the above Findings of Fact, the Board concludes that BZA Application No. 12665 complies with the provisions of Zoning Commission No. 190. The Board further concludes that this application is in accord with the intent of Article 75 of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. The applicant shall comply with all the CONDITIONS of Zoning Commission Order No. 190, dated November 11, 1977.
2. Development shall occur in accordance with the plans submitted to and approved by the Board, marked as Exhibit 17, 22 and 29 of the record, as those plans are modified in conditions 3 and 5 below.
3. The number of trees along the east property line shall be increased, and the arrangement of such trees shall be staggered to create a double row of trees for the entire length of the lot, as marked on Exhibit 29 of the record.
4. The Order of the Board shall be valid for a period of eighteen months. Within such period the plans therefore shall be filed for the purpose of serving a building unit.
5. A wooden board-on-board fence shall be provided along the eastern, northern and southern sides of the lot, as marked on Exhibit 29 of the record.
6. The Board shall retain jurisdiction to interpret and apply the terms and conditions of this Order and to make plan corrections and minor modifications of such plans.

7. Prior to the issuance of any building permit, in accordance with the requirements of Sub-section 7501.2 and Paragraph 7501.52, the owner of the property shall record a covenant in the land record of the District of Columbia, acceptable to the Zoning Regulations Division and the Office of the Corporation Counsel.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to GRANT, John G. Parsons to GRANT by PROXY; Leonard L. McCants present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 13 OCT 1978